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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,080	12/12/2001	Kotaro Fujino	2462-130US	6925

7590 02/14/2005

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EXAMINER
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LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/016,080	Applicant(s) FUJINO ET AL.	
	Examiner Victor Lesniewski	Art Unit 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This application has been examined.
2. The preliminary amendment filed 12/12/2001 has been placed of record in the file.
3. Claims 1-6 and 9-11 are now pending.

#### *Priority*

4. Acknowledgment is made of the applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 6/12/2000. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chacker (U.S. Patent Number 6,578,008) in view of Rasmussen et al. (U.S. Patent Number 6,343,990), hereinafter referred to as Rasmussen.
7. Chacker disclosed an online talent business wherein the public votes on which artists they like. In an analogous art, Rasmussen disclosed an Internet site enabling participants to submit content and view the submissions of others. Similar to Chacker's system, Rasmussen's system allows users to vote for the content they like the best.

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8. Concerning claims 1 and 11, Chacker did not explicitly state that his system could charge fees to supporters according to the number of votes cast and a predetermined unit fee per vote. However, Rasmussen discloses charging a fee for accessing his Internet site wherein the fee allows the participant a certain number of votes. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Chacker by adding the ability to charge fees to supporters according to the number of votes cast and a predetermined unit fee per vote as provided by Rasmussen. Here, the combination satisfies the need for online sites that present artists' works for review by the public and obtain feedback from the public on which artists they prefer. See Chacker, column 4, lines 6-15.

9. Thereby, the combination of Chacker and Rasmussen discloses:

- <Claim 1>

Artist supporting and mediating system comprising: a vote accepting computer that accepts votes from supporters of preregistered artists or their artistic works (Chacker, column 8, lines 2-6); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (Rasmussen, column 4, lines 10-14 and column 4, line 53 through column 5, line 17); a vote tabulating computer that tabulates votes for each artist or artistic work (Chacker, column 8, lines 56-64); and a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work corresponding to said number of votes based on a predetermined rate (Chacker, column 8, lines 64-66 and column 9, lines 14-18).

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- <Claim 2>

The artist supporting and mediating system described in claim 1 further comprising a dividend distributing computer that distributes dividends to each supporter according to the number of votes cast by said supporter or the number of votes owned by said supporter based on a predetermined condition (Chacker, column 13, lines 37-41).

- <Claim 3>

The artist supporting and mediating system described in claim 2 wherein said dividend distributing computer distributes dividends when profits generated by artistic activities of said artist match with a predetermined condition (Chacker, column 8, line 56 through column 9, line 9).

- <Claim 4>

The artist supporting and mediating system described in claims 1 further comprising a vote trade mediating computer that mediates trades of votes owned by said supporters (Chacker, column 13, lines 29-37).

- <Claim 5>

The artist supporting and mediating system described in claims 1 further comprising a audio/visual distributing service computer that provides a service of audio/visual distribution of artistic works of preregistered artists to said supporters (Chacker, column 8, lines 34-44).

- <Claim 6>

The artist supporting and mediating system described in claims 1 further comprising a browsing/searching service computer that provides a service of allowing said supporters

to browsing and/or searching attributive data of preregistered artists (Chacker, column 6, lines 11-16).

- <Claim 9>

The artist supporting and mediating system of claim 1 further comprising supporters' terminals connected to said system and each said computers are interconnected via a computer network (Chacker, figure 4, item 122).

- <Claim 10>

The artist supporting and mediating system of claim 1 further comprising artists' terminals connected to said system and each said computers are interconnected via a computer network (Chacker, figure 4, item 122).

- <Claim 11>

Artist supporting and mediating system comprising: a vote accepting computer that accepts votes from supporters of preregistered artists or their artistic works (Chacker, column 8, lines 2-6); a fee collecting computer that handles a process of charging fees to said supporters according to numbers of votes cast and a predetermined unit fee per vote (Rasmussen, column 4, lines 10-14 and column 4, line 53 through column 5, line 17); a vote tabulating computer that tabulates votes for each artist or artistic work (Chacker, column 8, lines 56-64); a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work corresponding to said number of votes based on a predetermined rate (Chacker, column 8, lines 64-66 and column 9, lines 14-18); and, supporters' terminals connected to said system (Chacker, figure 4, item 122); and, artists' terminals connected to said system (Chacker, figure 4,

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item 122), wherein said computers are interconnected via a computer network (Chacker, figure 4, item 124).

Since the combination of Chacker and Rasmussen discloses all of the above limitations, claims 1-6 and 9-11 are rejected.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Deaton et al. (U.S. Patent Number 6,334,108) disclosed a method for selective incentive point-of-sale marketing in response to customer shopping histories.
- Eyal (U.S. Patent Number 6,389,467) disclosed a method for a streaming media search and the continuous playback of media resources.
- Hunter et al. (U.S. Patent Number 6,647,417) disclosed a music distribution system wherein customers select from a list of available music and have their selections transmitted to them over a network.
- Muller, Andreas; Leissler, Martin; Hemmje, Matthias; and Neuhold, Erich, "Towards the Virtual Internet Gallery," IEEE International Conference on Multimedia Computing and Systems, 7-11 June 1999, Volume 2, pgs. 214-219, disclosed an electronic service for artists and galleries to exhibit their artwork on the Internet.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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